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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,397	07/27/2001	Ron M. Redlich	6851-2	7746

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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,397

Applicant(s)

REDLICH ET AL.

Examiner

Michael Pyzocha

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48-101, 153-160 and 224-234 is/are pending in the application.
- 4a) Of the above claim(s) 48-62, 78-89 and 153-160 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 63-77, 90-101 and 224-234 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07272001</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2137

DETAILED ACTION

1. Claims 48-101, 153-160 and 224-234 are pending.
2. Amendment filed 05/04/2005 has been received and considered.

Election/Restrictions

3. Applicant's election without traverse of Group II in the reply filed on 05/04/2005 is acknowledged.
4. Claims 48-62, 78-89, 153-160 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 05/04/2005.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 91-93 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2137

7. Claim 91 recites the limitation "the designated memory" in line 2. There is insufficient antecedent basis for this limitation in the claim.

8. Any claims not specifically addressed are rejected by virtue of their dependencies.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 63-64, 66-67, 77, 90-92, 94-97, 224-226, 228-230 are rejected under 35 U.S.C. 102 (a) and (e) as being anticipated by Lamm (US 6078907).

As per claims 63, 90-91 and 224, Lamm discloses securing data in a computer network with one or more security sensitive words, characters or icons, said computer network having a

Art Unit: 2137

plurality of computers interconnected together, one of said plurality of computers designated as a data input computer and each of said plurality of computers having a memory therein, a first and a second memory designated as a remainder store and an extract store in one or more computers of said plurality of computers, comprising: filtering data input from said data input computer and extracting said security sensitive words, characters or icons from said data to obtain extracted data and remainder data; storing said extracted data and said remainder data in said extracted store and said remainder store, respectively; and, permitting reconstruction of said data via said extracted data and remainder data only in the presence of a predetermined security clearance (see column 9 lines 27-36; column 11 lines 8-20).

As per claim 64, Lamm discloses defining a filter prior to said filtering step (see column 10 lines 40-45).

As per claims 66-67, 95-97, 229-230, Lamm discloses encrypting one or both of said extracted data and remainder data prior to storing and permitting reconstruction includes decrypting one or both of said extracted data and remainder data (see column 12 lines 16-43).

Art Unit: 2137

As per claims 77, 91-92, 225-226, Lamm discloses mapping the two memories and storing the map (see column 11 lines 31-57).

As per claims 94 and 228, Lamm discloses the second computer is said data input computer and said filter is adapted to be couple to said second computer (see column 11 lines 8-20).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 65, 76, 93, 98, 101, 231, 227, 234 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamm as applied to claims 63-64, 90, 92, 224, 226 above, and further in view of Schneier (Applied Cryptography).

As per claims 65, 98, and 231, Lamm fails to disclose storing or destroying the filter.

However, Schneier teaches destroying information (see pages 228-229).

Art Unit: 2137

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Schneier's method of destroying information to destroy the filter of Lamm.

Motivation to do so would have been to protect the secret information (see Schneier page 229).

As per claims 76, 101 and 234, the modified Lamm and Schneier system discloses deleting said data input from said data input computer after the step of storing (see Schneier pages 228-229).

As per claims 93 and 227, Lamm fails to disclose encrypting and decrypting the map.

However, Schneier teaches encryption and decryption (see page 220).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to encrypt Lamm's map before storing.

Motivation to do so would have been to have a higher secrecy level (see page 220).

13. Claim 68 rejected under 35 U.S.C. 103(a) as being unpatentable over Lamm as applied to claim 64 above, and further in view of Kluttz et al (US 6598161).

As per claim 68, Lamm fails to disclose subsets of filtration with different levels of security.

However, Kluttz teaches different levels of security for subsets of information (see abstract).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Kluttz's different security levels for the filtered information of Lamm.

Motivation to do so would have been to allow for different levels of access to information (see column 1 lines 62-64).

14. Claims 69-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamm as applied to claim 64 above, and further in view of FOLDLOC (URL webpage).

As per claims 69-73, Lamm fails to disclose the use of URLs to exchange the data between clients and servers.

However, FOLDLOC teaches such limitations (see pages 1-2).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the URLs of FOLDLOC to identify and transfer data in the system of Lamm.

Motivation to do so would have been to allow data to travel over the Internet (see FOLDLOC page 1).

15. Claim 74 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Lamm and FOLDLOC system as applied to claim 73 above, and further in view of Schneier.

As per claim 74, the modified Lamm and FOLDLOC system fails to disclose encrypting and decrypting the information.

Art Unit: 2137

However, Schneier teaches encryption and decryption (see page 220).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to encrypt the modified Lamm and FOLDOC information before storing.

Motivation to do so would have been to have a higher secrecy level (see page 220).

16. Claims 75, 99-100, 232-233 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamm as applied to claims 64, 90 224 above, and further in view of Gurley (US 5036315).

As per claims 75, 100, and 233, Lamm fails to disclose one of said computers includes a data display system with at least two separate but visually overlaid displays and at least two respective display interfaces, the step of reconstruction including displaying said extracted data on one of said at least two displays and displaying said remainder data on another of said at least two displays.

However, Gurley teaches such a limitation (see the abstract and Figure 1 number 100).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Gurley's displays in the Lamm system.

Art Unit: 2137

Motivation to do so would have been to allow for window sharing (see Gurley abstract).

As per claims 99 and 232, the modified Lamm and Gurley system discloses one of said computers includes a display fed from a video memory having a plurality of frame memory segments, the information processing system including said compiler adapted to be coupled to said video memory, said compiler having means for interleaving extracted data and remainder data into respective ones of said plurality of frame memory segments on said one computer (see Gurley abstract and Figure 1 number 100).

Double Patenting

17. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Art Unit: 2137

Claims 63, 90 and 224 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 47, and 72 of copending Application No. 10008209 in view of Kluttz et al. The claims of the copending application add the limitation of subsets of data have different security levels with different users having different security clearance. Kluttz teaches this limitation as shown in the above rejection of claim 68. At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Kluttz's different security levels for the filtered information of the copending claim.

18. Motivation to do so would have been to allow for different levels of access to information

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

19. Claims 63, 90 and 224 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 46 of copending Application No. 10008218. Although the conflicting claims are not identical, they are not patentably distinct from each other because at the time of the invention it would have been obvious to one of ordinary skill in the art to modify the present claims

Art Unit: 2137

to filter the security information based on attack warnings.

Motivation to do so would have been protect the security data.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

20. Claims 63, 90 and 224 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 20 of copending Application No. 10155525. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one of ordinary skill in the art to modify the present claims to store the data remotely and to secure email as in the claims of the copending application. Motivation to do so would have been to allow multiple users to access the data and to allow the use of the SMTP protocol.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

21. Claims 63, 90 and 224 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of copending Application No. 10155192. Although the conflicting claims 1 and 7 are not

Art Unit: 2137

identical, they are not patentably distinct from each other because it would have been obvious to one of ordinary skill in the art to modify the present claims to be performed on a user system as opposed to a network system. Motivation to do so would have been to allow all of a users data to be filtered.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

22. Claims 63, 90 and 224 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 53, and 67 of copending Application No. 10277196. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one of ordinary skill in the art to modify the present claims to modify the copending claims to be done at a user level with different security levels. Motivation to do so would have been to allow a public computer to allow access to different information to different users.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Art Unit: 2137

23. Claims 63, 90 and 224 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 47, 48, 124, and 146 of copending Application No. 10390807. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one of ordinary skill in the art to modify the present claims to filter data when a portable computing device is outside of an area. Motivation to do so would have been to prevent security data from being accessible from a non-secure area.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

24. Due to the vast number of applications that qualify as a provisional double patenting rejection only the independent claims of the present application have been rejected.

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schneck et al (US 5933498) teaches filtering of data.

Art Unit: 2137

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER